



---

## FREDERICK COUNTY PLANNING COMMISSION

### November 9, 2011

---

**TITLE:** Hallein Subdivision Sketch Plan, Section 2,  
Lots 201-206

**FILE NUMBER:** S-042C AP11802

**REQUEST:** **Sketch Plan**  
Non-binding approval of the proposed lot layout for the purpose  
of percolation testing only.

**PROJECT INFORMATION:**

**LOCATION:** Located on the west side of Old Middletown Rd, 600 feet north of  
Jefferson Pike.  
**ZONE:** Residential (R-3)  
**REGION:** Brunswick  
**WATER/SEWER:** W-5, S-5  
**COMP. PLAN/LAND USE:** Low Density Residential

**APPLICANT/REPRESENTATIVES:** (as applicable)

**APPLICANT/OWNER:** Carolyn Hallein  
**SURVEYOR:** J.F. Brown III & Assoc.

**STAFF:** Michael Wilkins, Development Review Principal Planner II

**RECOMMENDATION:** Conditional Approval

**Enclosures:**

## **REPORT**

### **BACKGROUND:**

This property (Tax Map 84 Parcel 9) has been the subject of three previous subdivision applications;

- Section 1, Lot 1 was recorded in 1986
- Section 1, Lots 2-5 was recorded in 1988.
- A Preliminary Plan for eight lots was approved in 1989, but the plan expired in 1994.

The Applicant now wishes to pursue the approval of 6 lots on the 8.93 acre remainder parcel. The proposed subdivision will create the 6<sup>th</sup> through 10<sup>th</sup> lots from the original parcel (excluding a remainder lot), and is a major subdivision. Major subdivisions require FcPc approval prior to percolation testing in accordance with Section 1-16-9 (A)(4) of the Frederick County Code (Code).

Some of the proposed lots contain wet soils, which requires percolation testing during the restricted soils season (February 1- April 15, 2011). The Applicant has submitted a Sketch Plan for percolation testing approval only, in accordance with Section 1-16-59 (G) of the Code, which states:

***The Planning Commission shall give its opinion regarding the sketch plan and may grant non-binding approval of the lot layout shown on the sketch plan for the purpose of percolation testing only.***

If approved, the creation of the 5 new lots (plus a remainder lot) will be considered a major subdivision, since 5 lots have previously been recorded. However, any major subdivision approvals for this project will be handled during the review of the preliminary plan and final plat applications.

### **ANALYSIS:**

#### ***Lot Design and Access:***

The property fronts on Old Middletown Road (collector roadway). The current design provides all of the proposed lots with road frontage via a proposed extension of Buckley Drive. Buckley Drive is being constructed through the adjoining property (Woodbourne Manor) and the Comprehensive Plan shows this road connecting to Old Middletown Road. The portion of Buckley Drive proposed on this Sketch Plan complies with Section 1-16-235 (B), which states:

***Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right of way for the coordination of roads within the subdivision with other existing, planned, or platted roads.***

In the event percolation testing is successful, the proposed street must obtain FcPc approval via the Preliminary Plan process.

### **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

APFO testing is not required at the Sketch Plan phase. In the event that the percolation testing

is successful and the applicant pursues more than five lots, the subdivision will be subject to APFO testing for impacts to traffic and schools at the time of Preliminary Plan submittal.

**FOREST RESOURCE ORDINANCE (FRO):**

At the Sketch Plan phase, a forest stand delineation plan is the only FRO requirement. The site is an open field with no forest. Forest conservation plans and mitigation must be provided prior to the approval of preliminary plans and final plats.

**SEWER CLASSIFICATION ISSUE:**

The current water and sewer plan shows that the property has a water and sewer classification of W-5/S-1. The S-1 is a mapping error. To move forward with a well and septic subdivision, the Applicant will need to submit an application for a sewer reclassification. This application must be provided after a Preliminary Plan is submitted and approved.

**FINDINGS:**

Staff finds that the FcPc may give its opinion regarding the Sketch Plan and may grant non-binding approval of the lot layout shown on the Sketch Plan for the purpose of percolation testing only. Staff has no objection to conditional approval of the Sketch Plan for percolation testing only.

**RECOMMENDATION:**

Should the FcPc give a favorable opinion of this Sketch Plan application (S-042C, AP 11802) and allow the Applicant to proceed with percolation testing, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The approval of this plan is for percolation testing only and does not guarantee approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.